IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 18346 of 2006(H)

PETITIONER:
----

1. KAVITHA R.S.D/O.P.RAJENDRAN,
AGED 35 YEARS, RESIDING AT KARTHIKA,
PEDIKULAM,PULIMATHU P.O.,KILIMANNOOR,
TRIVANDRUM DISTRICT.

2. MALATHI DEVI, W/O.D.SATHYAN,
AGED 34 YEARS,KOCHUVEEDU, MELATTUMOOZHI,
KARIM KUTTIKARA P.O.,VAMANAPURAM, TRIVANDRUM.

3. D.SANDHYA RANI,W/O.V.R.PRESENA KUMAR,
AGED 28 YEARS,RESIDING AT REVATHY,PEDIKULAM,
PULIMATHU P.O.,KILIMANNOOR,TRIVANDRUM DISTRICT.

4. SWAPAN.K.L.,W/O.MADUSOODHANAN,
AGED 28 YEARS, RESIDING AT KADAYIL VEEDU,
ELAMPA P.O.,ATTINGAL,TRIVANDRUM DISTRICT.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR

RESPONDENTS:
----

1. STATE OF KERALA REPRESENTED BY ITS
SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,TRIVANDRUM.

2. DIRECTOR OF PUBLIC INSTITUTION,
KERALA STATE,TRIVANDRUM.

3. DISTRICT EDUCATIONAL OFFICER,
ATTINGAL, TRIVANDRUM.

4. TRAVANCORE DEVASOM BAORD REPRESENTED
BY IT'S SECRETARY,OFFICE OF TRAVANCORE DEVASOM
BOARD, NANTHAN CODE, TRIVANDRUM.

5. VIJAYALAKSHMI, LPSA,DBLPS,PACHA PALODE,
TRIVANDRUM.

6. R.S.SREELEKSHMI,
LPSA,DBUPS,VILAKKUDI.

BY ADV. SRI.P.PARAMESWARAN NAIR, SC, TDB
G.P.SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007 ALONG WITH WPC NO. 20840 OF 2006 WPC NO. 20572 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.C.NO.18346/06

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE PROCEEDINGS DATED 29-05-06 ISSUED BY R4 TRANSFERRING THE SIXTH RESPONDENT FROM THE L.P. SECTION TO U.P.SECTION.**
EXT.P2	**TRUE COPY OF THE APPONTMENT ORDER AND THE ORDER OF APPROVAL ISSUED TO THE FIRST PETITIONER.**
EXT.P3	**TRUE COPIES OF THE REPRESENTATIONS SUBMITTED BY THE PETITIONERS BEFORE R4**
EXT.P4	**TRUE COPY OF THE PETITION DATED 26-6-06 SUBMITTED BY THE FIRST PETITIONER BEFORE THE ASSISTANT EDUCATIONAL OFFICER**
EXT.P5	**TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE RESPONDENTS 1 TO 3**
EXT.P6	**TRUE COPY OF THE ORDER DATED 8-4-03 OF THIS COURT IN C.M.P.NO.18765/03 IN O.P.NO.9990/02**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).NOs.18346, 20572 &
20840 OF 2006

Dated this the 30th day of January, 2007

JUDGMENT

The common complaint raised in these writ petitions is that though petitioners are all claimants under Rule 51A of Chapter XIVA of K.E.R. for appointment to the post of UPSA, their rights are being defeated by the respondent manager by resorting to the practice of transferring LPSAs working in their schools as UPSAs against the vacancies which should have been filled up by appointing the petitioners.

2. In W.P.(C)No.20572/06, petitioners have filed Exts.P11 and P12 representations before the Government. In W.P.(C)No.20840/06, petitioners have filed Ext.P9 representation. In W.P.(C)No.18346/06, petitioners have filed Ext.P5 representation.

3. I heard learned counsel appearing for the parties.

4. In the facts and circumstances, I feel that a decision should be taken on Exts.P11 & P12 in W.P.(C)No. 20572/06, Ext.P9 in

W.P.(C)No. 20840/06 and Ext.P5 in W.P.(C)No.18346/06 treating them as petitions under Rule 92 of Chapter XIVA of K.E.R. after hearing all the affected parties.

5. Therefore, the writ petitions are disposed of with a direction to the first respondent to consider and take a decision on Exts.P11 & P12 in W.P.(C)No. 20572/06, Ext.P9 in W.P.(C)No. 20840/06 and Ext.P5 in W.P.(C)No.18346/06 in accordance with law after hearing all the affected parties including the petitioners and the appointees within a period of three months from the date of receipt of a copy of this judgment. Till a decision is taken as aforesaid, approval of transfers and postings of Lower Primary School Assistants and Upper Primary Schools Assistants in the school under the management of Travancore Devaswom Board shall not be done. It is open to the first respondent to call for the report from the Director of Public Instruction in regard to the matter.

Writ petitions are disposed of as above.

K.M.JOSEPH
JUDGE

sv.